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3 GILEAD SCIENCES, INC.,
4 Plaintiff,
5 v.
6 MERCK & CO, INC., et al.,
7 Defendants.
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9 Case No. [13-cv-04057-BLF](#)
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**ORDER DENYING GILEAD'S MOTION
FOR JUDGMENT AS A MATTER OF
LAW AND ENTERING FINAL
JUDGMENT**

20 On consideration of Gilead's Motion for Judgment as a Matter of Law (ECF No. 432), it is
21 hereby ORDERED that Gilead's Motion is DENIED as moot, because the Court has previously
22 held that unclean hands "renders Merck's '499 and '712 Patents unenforceable against Gilead."
23 ECF No. 422; *cf.* Wright & Miller, 13 B Fed. Prac. & Proc. Juris. § 3533 (3d ed.) ("When a court
24 grants full relief on one ground, it may refer to an alternative ground that might support the same
25 relief as moot."). This resolves all pending issues except for a collateral matter—the amount of
26 attorney's fees that should be awarded to Gilead. Final judgment is hereby entered.
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IT IS SO ORDERED.

Dated: August 16, 2016


BETH LABSON FREEMAN
United States District Judge